

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA,

v.

BERNARD VON NOTHAUS
Defendant.

**CONSENT ORDER
FINAL DISPOSAL AND FINAL
FORFEITURE OF CONTRABAND**

WHEREAS, on November 17, 2010, the Grand Jury for the Western District of North Carolina returned a Superseding Bill of Indictment against the defendant. In the Superseding Bill of Indictment, Counts One, Two, and Three charged the defendant with conspiracy and substantive offenses related to counterfeit Liberty Dollar coins, all such conduct in violation of 18 U.S.C. §§ 371, 485, 2, and 486.

WHEREAS, the Superseding Bill of Indictment included a Notice of Forfeiture and Finding of Probable Cause, pursuant to, amongst other statutes and rules, 18 U.S.C. § 492, 18 U.S.C. §§ 982(a)(2) and (b)(1), 21 U.S.C. § 853, and Fed. R. Crim. P. 32.2, for forfeiture of, amongst other properties, the properties described below constituting or derived from any proceeds the defendant obtained, directly or indirectly, as a result of such violations; and/or all property involved in, used, intended to be used, made, or possessed in any manner or part to commit or facilitate the commission of the violations.

WHEREAS, on March 18, 2011, in a jury trial in the Western District of North Carolina, the jury found the defendant guilty of Counts One, Two, and Three in the Superseding Bill of Indictment.

WHEREAS, on November 10, 2014, the Court entered a Memorandum and Order affirming the guilty verdicts of the jury.

WHEREAS, on December 1, 2014, the Court entered a Memorandum and Order providing for the forfeiture of almost all of the property (excluding “16,000.5 Troy Ounces of Raw Silver” and Hawaii Dala coins) listed and described in the Notice of Forfeiture and Finding of Probable Cause in the Superseding Bill of Indictment.

WHEREAS, the same Memorandum and Order of December 1, 2014, ordered the United States and the defendant to confer in order to decide and propose to the Court a list of the forfeited properties that should be “forfeited under Section 492 [18 U.S.C. § 492] as ‘contraband’ . . . not subject to third party ancillary litigation under § 853(n) [21 U.S.C. § 853].” Memorandum and Order at 12.

WHEREAS, the United States and the defendant have conferred and agreed that the properties listed below are contraband and can and should be finally forfeited and disposed of by the United States without any further proceedings and that such properties are not subject to the provisions of 21 U.S.C. § 853(n) (“Third party interests”) and Fed. R. Crim. P. 32.2(c) (“Ancillary Proceeding”).

WHEREAS, the United States has contemporaneously filed a Motion for an Amended Preliminary Order of Forfeiture concerning the remaining properties listed and described in the Notice of Forfeiture and Finding of Probable Cause in the Superseding Bill of Indictment.

NOW, THEREFORE, the Court, pursuant to its Findings of Fact and Conclusions of Law in its Memorandum and Order of November 10, 2014, its Memorandum and Order of December 1, 2014, and 18 U.S.C. § 492, **ORDERS** that the following properties are contraband and that no person or entity, other than the United States, may have a property right or interest in

them. The Court further **ORDERS** that the properties identified herein are forfeited to, and may be disposed of by, the United States in accordance with applicable law:

- **Approximately 1574.5 troy ounces of silver coins, but excluding 75 coins of .1 ounce minted in 2006;**
- **1,000.5 troy Ounces of Silver Coins;**
- **1,000.5 troy Ounces of Silver Coins;**
- **100 Ounces of Copper Coins;**

and

of the “Dies, Molds, and Casts from Dies, Molds, and Casts Seized at Sunshine Minting, Inc. on November 14, 2007” in the Notice of Forfeiture and Finding of Probable Cause in the Superseding Bill of Indictment, the following (with evidence identifications) property:

- **A-004 Die – 1oz. Liberty Head 2007**
- **A-006 Die – 1oz. Libertad, 2007**
- **A-009 Die -- \$50 Liberty Torch**
- **A-017 Die – Liberty Head**
- **A-048 Die – Peace Liberty Head**
- **A-060 Die – Liberty Head**
- **A-086 Die – Liberty Head 2008**

and the following property (with evidence identifications) from Exhibits 71, 71A, and

71B:

- **A006 Die – 1 oz Libertad, 2007**
- **A017 Die – Liberty Head, 2007**
- **A060 Die – Liberty Head, 2008**
- **A086 Die – Liberty Head 2008**
- **A142 Two (2) 2008 coins on Sheet w/sample Gold coins, but not 2008 Ron Paul Liberty Dollar, and not 2000 and 2006 coins**
- **A143 Sample of 2 Peace Silver coins, 2008**
- **A144 Tray containing 200 \$50 Liberty Dollar Coins 2007**
- **A146 Tray containing 213 \$20 Liberty Dollar coins, 2007**
- **C-024 Box Containing 960 \$50 Liberty Dollar Coins, 2007**
- **C-026 Box Containing 960 \$50 Liberty Dollar Coins, 2007**
- **C-027 Box Containing 960 \$50 Liberty Dollar Coins, 2007**
- **C-030 Box Containing 960 \$50 Liberty Dollar Coins, 2007**
- **C-040 Box Containing 960 \$50 Liberty Dollar Coins, 2007**
- **C-048 Box Containing 960 \$50 Liberty Dollar Coins, 2007**

-- C-051 **Box Containing 960 \$50 Liberty Dollar Coins, 2007**
-- C-054 **Box Containing 960 \$50 Liberty Dollar Coins, 2007**
-- C-055 **Box Containing 960 \$50 Liberty Dollar Coins, 2007**
-- C-060 **Box Containing 960 \$50 Liberty Dollar Coins, 2007**
-- C-062 **Box Containing 960 \$50 Liberty Dollar Coins, 2007**
-- C-070 **Box Containing 960 \$50 Liberty Dollar Coins, 2007**
-- C-177 **Tray Containing 320 \$50 2007 Liberty Dollar Coins**
-- C-179 **Tray Containing 320 \$20 2007 Liberty Dollar Coins**
-- C-180 **Tray Containing 320 \$20 2007 Liberty Dollar Coins**

IT IS SO ORDERED.

Signed: February 24, 2015



Richard L. Voorhees
United States District Judge



With Consent of:

ANNE M. TOMPKINS
UNITED STATES ATTORNEY

s/ THOMAS R. ASCIK
ASSISTANT UNITED STATES ATTORNEY
North Carolina Bar No. 17116
100 Otis Street
Asheville, NC 28801
828-259-0644
828-271-4122 (fax)
thomas.ascik@usdoj.gov

s/ Noel P. Tin
Counsel to Defendant Bernard Von NotHaus